

**Department of Community Planning and Economic Development**  
Rezoning, Variances and Site Plan Review  
BZZ-6080

**Date:** June 10, 2013

**Applicant:** CPM Development, LLC, Attn: Daniel Oberpriller, 2919 Knox Avenue South, Suite #200, Minneapolis, MN 55408, (612)644-4391

**Address of Property:** 700, 702, 704, 706, 710, 712, and 714 14<sup>th</sup> Avenue SE, 1409, 1411, 1413, 1415, 1417, and 1419 7<sup>th</sup> Street SE, 701, 709, 715, and 717 15<sup>th</sup> Avenue SE

**Project Name:** 15<sup>th</sup> Avenue Student Housing

**Contact Person and Phone:** Faegre Baker Daniels, LLP, Attn: Carol Lansing, 2200 Wells Fargo Center, 90 South 7<sup>th</sup> Street, Minneapolis, MN 55402, (612) 766-7005

**CPED Staff and Phone:** Becca Farrar, Senior City Planner (612)673-3594

**Date Application Deemed Complete:** April 30, 2013

**End of 60-Day Decision Period:** June 29, 2013

**End of 120-Day Decision Period:** On May 29, 2013, Staff sent a letter to the applicant extending the decision period to no later than August 28, 2013.

**Ward:** 3      **Neighborhood Organization:** Marcy Holmes Neighborhood Association (MHNA)

**Existing Zoning:** R5 (Multiple-family) District and UA (University Area) Overlay District

**Proposed Zoning:** R6 (Multiple-family) District, maintain UA (University Area) Overlay District

**Zoning Plate Number:** 15

**Lot area:** 72,563 square feet or approximately 1.67 acres

**Legal Description:** See attached.

**Proposed Use:** A new 6-story, residential development that includes 202 residential dwelling units with 643 bedrooms and 174 below grade parking spaces.

**Concurrent Review:**

- Petition to rezone the subject parcels from the R5 (Multiple-family) District to the R6 (Multiple-family) District. The UA (University Area) Overlay District would be maintained;
- Variance to reduce the front yard setback along the west property line adjacent to 14<sup>th</sup> Avenue SE from 26 feet to 7 feet, 11 inches for the building and to allow various yard encroachments;
- Variance to reduce the front yard setback along the east property line adjacent to 15<sup>th</sup> Avenue SE from 30 feet to 12 feet, 1 inch for the building and to allow various yard encroachments;
- Variance to reduce the corner side yard setback along the south property line adjacent to 7<sup>th</sup> Street SE from 15 feet to 5 feet, 4 inches for the building and to allow various yard encroachments;

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- Variance to allow transformers and generators within the required north interior side yard;
- Variance to increase the maximum lot coverage from 70% to 81.2%;
- Variance to reduce the required number of off-street parking stalls from 321 to 174 spaces (.27 per bedroom);
- Variance to eliminate the off-street loading requirement;
- Variance to reduce the two-way drive-aisle requirement in the underground parking garage from 22 feet to 18 feet;
- Site Plan Review to allow for the construction of a new 6-story, 80-foot tall, 202 unit residential development with a total 643 bedrooms, and 174 below grade parking spaces.

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments, Chapter 525, Article IX, Variances and Chapter 530 Site Plan Review.

**Background:** CPM Development, LLC, is proposing to construct a new 6-story, 80-foot tall, 202 unit residential development with a total 643 bedrooms, and 174 below grade parking spaces on the properties located at 700-714 14<sup>th</sup> Avenue SE, 1409-1419 7<sup>th</sup> Street SE, 701-717 15<sup>th</sup> Avenue SE. The proposed development is located across 15<sup>th</sup> Avenue SE from the University of Minnesota Bierman Athletic Complex and encompasses over half of the block bounded by 8<sup>th</sup> Street SE on the north, 7<sup>th</sup> Street SE on the south, 15<sup>th</sup> Avenue SE on the east and 14<sup>th</sup> Avenue SE on the west. The property is zoned R5 (Multiple-family) and is located in the UA (University Area) Overlay District. A rezoning is proposed from the R5 to R6 District in order to achieve the desired density; the UA Overlay District would be maintained. Several variances are also required for the proposed development which include: (1) Variance to reduce the front yard setback along the west property line adjacent to 14<sup>th</sup> Avenue SE from 26 feet to 7 feet, 11 inches for the building and to allow various yard encroachments including walkway width, seating benches and upper level balconies; (2) Variance to reduce the front yard setback along the east property line adjacent to 15<sup>th</sup> Avenue SE from 30 feet to 12 feet, 1 inch for the building and to allow various yard encroachments including bicycle racks, seating/benches, trash receptacles, entrance landings and upper level balconies; (3) Variance to reduce the corner side yard setback along the south property line adjacent to 7<sup>th</sup> Street SE from 15 feet to 5 feet, 4 inches for the building and to allow various yard encroachments including an ADA ramp and upper level balconies; (4) Variance to allow transformers and generators within the required north interior side yard; (5) Variance to increase the maximum lot coverage from 70% to 81.2%; (6) Variance to reduce the required number of off-street parking stalls from 321 to 174 spaces (.27 per bedroom); (7) Variance to eliminate the off-street loading requirement of one small space; (8) Variance to reduce the two-way drive-aisle requirement in the underground parking garage from 22 feet to 18 feet. Site plan review is required as well.

In order to construct the development, several existing residential structures would need to be demolished including a townhome development and several small rental houses and apartment buildings. The structure as proposed is in the shape of a ring with a resident-accessible landscaped interior courtyard. The residential lobby is proposed at the corner of 15<sup>th</sup> Avenue SE and 7<sup>th</sup> Street SE with access to the parking off of 14<sup>th</sup> Avenue SE. Proposed amenities within the building include a club room located within the courtyard, fitness room, lobby, and on-site management. The building is clad with a mix of brick, stone, metal siding and panels and fiber cement panels.

The project was initially discussed at the City Planning Commission (CPC) Committee of the Whole (COW) meeting on May 9, 2013. At that meeting several concerns were expressed including: the lack of contextual information provided; streetscape concerns; public realm amenities; building articulation and massing, etc.

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The applicant modified the proposal and presented updated drawings at a second CPC COW meeting on May 23, 2013, as a response to the comments received. The proposal was modified as follows:

- The streetscape was articulated and additional plantings were incorporated as were more variation in plantings;
- Walk-up stairways were incorporated to further align with *The 15<sup>th</sup> Avenue SE Urban Design Plan*;
- Enhancements were added to the streetscape including benches, tables, and a bike air filling station;
- Additional walk-ups, steps and patios along streetscapes provided for pedestrian scale;
- A mew was added to the north side of the site to help circulate pedestrian traffic through the site as an amenity to the residents and surrounding homes;
- The building was stepped back to try to alleviate the building's wall massing;
- Additional material massing was also developed to break the mass of the building down;
- A series of massing context elevations were developed to demonstrate the fit of the development into the existing context.

The Planning Commission had additional comments pertaining to the simplification of the exterior materials and massing on all facades as well as reducing the impression of height along 14<sup>th</sup> Avenue. The plans have since been further modified as follows:

- The number of materials and transitions on the building have been reduced;
- The massing has been articulated in an attempt to draw the eye down and emphasize levels 1-4 with use of detail, color and horizontality without removing building square footage.
- Lower levels have been activated with stoops, balconies, patios and entries.

The project was continued from the June 10, 2013 to the June 24, 2013, City Planning Commission meeting in order to review recent changes to the proposed project and to evaluate the merits of the Travel Demand Management Plan (TDMP) that was just received by CPED and Public Works Staff.

Staff has received official correspondence from the Marcy Holmes Neighborhood Association (MHNA) and one neighborhood email which has been attached for reference. Any additional correspondence received after the printing of this report will be forwarded on to the Planning Commission for consideration.

**REZONING** – from the R5 to the R6 District

**Findings as Required by the Minneapolis Zoning Code:**

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcels are designated as urban neighborhood and are located along 15<sup>th</sup> Avenue SE which is a designated Community Corridor. The site is adjacent to the University of Minnesota Growth Center, is within two block of the Dinkytown Activity Center boundary, and within 3-4 blocks of both 4<sup>th</sup> Street SE and University Avenue SE which are designated Community Corridors. The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal rezone the properties from the R5 to R6 district in order construct a new high-density residential development that includes 202 units and 643 bedrooms:

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Land Use Policy 1.1 states: “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2 states: “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.”

Land Use Policy 1.3 states: “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit. This policy includes the following applicable implementation steps: (1.3.1) “Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings”; and (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Land Use Policy 1.8 states: “Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.” This policy includes the following applicable implementation step: (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

Land Use Policy 1.9 states: “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.”

Housing Policy 3.1 states: “Grow by increasing the supply of housing.” This policy includes the following applicable implementation step: (3.1.1) “Support the development of new medium- and high-density housing in appropriate locations throughout the city.”

Housing Policy 3.2 states: “Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.” This policy includes the following applicable implementation step: (3.2.1) “Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.”

Urban Design Policy 10.4 states: “Support the development of residential dwellings that are of high quality design and compatible with surrounding development.”

Urban Design Policy 10.5 states: “Support the development of multi-family residential dwellings of appropriate form and scale.”

Urban Design Policy 10.9 states: “Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.”

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This policy includes the following applicable implementation step: (10.9.4)” Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.”

The proposal to rezone the subject property from the R5 District to the R6 District for a new multi-family residential development is supported by the above listed policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*.

Many planning efforts have been undertaken in the area. The original *Master Plan for the Marcy-Holmes Neighborhood* was adopted by the City Council in 2003. Since the original approval, the neighborhood has completed additional planning work regarding direction for specific redevelopment sites as part of the *Marcy-Holmes Master Plan Supplement* which was adopted by the City Council in January 2007. Building on guidance for 15<sup>th</sup> Avenue SE in both of these plans, Marcy Holmes has recently completed a second supplement to the neighborhood master plan, known as the *15<sup>th</sup> Avenue SE Urban Design Plan* which was adopted by the City Council in 2009. The purpose of this document is to articulate the community expectations for new, aggressive, high-quality development on 15th Avenue SE. The document outlines a design strategy, provides recommendations, and shows conceptual plans for the three and a half block study area.

In general, the plan encourages higher density development along its edges to welcome growth and to reinforce the historic neighborhood core. The subject parcels are located in an area designated as Block 3. The design strategy in the plan calls for a 15<sup>th</sup> Avenue pedestrian and bicycle promenade; primarily residential uses for individuals, students and families; establishment of a strong neighborhood presence and frontage along 15<sup>th</sup> Avenue SE; and incorporation of appropriate edge or neighborhood transitions. In general, the plan also states that the blocks should be organized with lower scale buildings to the west, and taller buildings to the east. Further design guidelines state that lots should be aggregated, an enhanced public realm must be incorporated (landscaping, stoops, raised patios, porches, balconies, courtyards, mews, passageways, ) parking should be located mid-block in structured ramps either above or below grade, block perimeters should be established that transition down to surrounding development and density and height should be strategically located.

More specifically related to the block perimeter, density and height design guidelines the plan states the following about Block 3 “Blocks 2 and 3 are similar; they are both defined on the east by the University facilities and the west by neighborhood scaled buildings. The west edge of these two blocks should respond to the neighborhood scale with low-rise medium-density housing. The remainder of the block should contain a 4 to 5 story street enclosure. Taller buildings, up to 12 stories may be located towards the east side of the block and should be set back from the property line at least 20 feet.

Based on Staff’s analysis, the rezoning complies with the plan except as it pertains to the design guidelines specific to the block perimeter and height components. As a relatively uniform 6-story structure, the massing is inconsistent with the vision and parameters outlined in the plan. However, as previously mentioned, overall, the rezoning would allow a development plan is consistent with the vision and the goals that are articulated within the plan.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

A rezoning to the R6 District would be considered in both the interest of the property owner and in the public interest. Regarding the property owner’s interest, the property would be classified under a higher

intensity residential zoning classification allowing the high-density development that is proposed. In terms of the public interest, the rezoning would allow for redevelopment of a property located in a specific edge area designated as appropriate for high density development that is consistent with adopted City policies. The development would further enhance the overall vitality of the area as a result of its proximity to the University of Minnesota and the Dinkytown Activity Center.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The subject parcels are designated as urban neighborhood and are located along 15<sup>th</sup> Avenue SE which is a designated Community Corridor. The site is adjacent to the University of Minnesota Growth Center, is within two block of the Dinkytown Activity Center boundary, and within 3-4 blocks of both 4<sup>th</sup> Street SE and University Avenue SE which are designated Community Corridors. The zoning classifications surrounding the subject site are predominantly OR3 (on the University of Minnesota campus) and R5. I1 and R2B as well as commercial zoning within the Activity Center are located in the broader vicinity. The uses within the area are varied and include assorted commercial, residential and institutional uses. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, Staff believes that rezoning the subject site to R6 would be appropriate and compatible in this location.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

In general, there are reasonable uses allowed under the R5 zoning classification but the current zoning designation does not allow for the high density residential development that is identified as being appropriate on the subject site. The City's adopted policies encourage a high-density residential development on the properties. Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the property.

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

Under the 1963 Zoning Code, the subject property was zoned R5 and the surrounding area was zoned R5, M1-2(Light Manufacturing), R2B (Single, Two-family and Townhouse), B3S-2 (Community Service), and B3C-4 (Community Commercial); allowing similar uses to what the current zoning allows today. There have been significant ongoing changes relative to the character and trend of development in the general area. The general area has seen significant redevelopment predominantly due to the growth in the student housing market and the corresponding development of the Central Corridor LRT line south of the site. The amendment to alter the existing zoning classification on the property would not adversely impact the transitions occurring in the area. Due to the proximity of the site to the University of Minnesota and the Dinkytown Activity Center, the fact that the site is on the edge of a residential neighborhood, as well as the mix of uses within the general area, it is Staff's position that the rezoning request is reasonable, appropriate and consistent with adopted policy.

**VARIANCES** – (1) Variance to reduce the front yard setback along the west property line adjacent to 14<sup>th</sup> Avenue SE from 26 feet to 7 feet, 11 inches for the building and to allow various yard

encroachments; (2) Variance to reduce the front yard setback along the east property line adjacent to 15<sup>th</sup> Avenue SE from 30 feet to 12 feet, 1 inch for the building and to allow various yard encroachments; (3) Variance to reduce the corner side yard setback along the south property line adjacent to 7<sup>th</sup> Street SE from 15 feet to 5 feet, 4 inches for the building and to allow various yard encroachments; (4) Variance to allow transformers and generators within the required north interior side yard; (5) Variance to increase the maximum lot coverage from 70% to 81.2%; (6) Variance to reduce the required number of off-street parking stalls from 321 to 174 spaces (.27 per bedroom); (7) Variance to eliminate the off-street loading requirement; (8) Variance to reduce the two-way drive-aisle requirement in the underground parking garage from 22 feet to 18 feet.

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

**Variance to reduce the front yard setback along the west property line adjacent to 14<sup>th</sup> Avenue SE from 26 feet to 7 feet, 11 inches for the building and to allow various yard encroachments:**

Typically, a 15-foot front yard setback would be required along the east property line adjacent to 14<sup>th</sup> Avenue SE; however, per Section 546.160(b) the property is subject to a front yard increase as the residential property on the abutting property to the north is setback approximately 26 feet. As proposed, the building wall along 14<sup>th</sup> Avenue SE is setback approximately 7 feet, 11 inches at the closest point in this location and various encroachments are located within the required yard and require a variance as follows: (1) walkway width as the individual walkout units have walkways at a width of 6 feet, 6 inches which exceeds the allowable encroachment parameter of 6 feet for a multi-family dwelling; (2) seating/benches are not permitted obstructions in the front yard; (3) upper level balconies are proposed that exceed 50 square feet in area and encroach more than 4 feet into the required yard. The property is unique as a result of having frontage on three public streets and the fact that the interior boulevards (the area between the property line and curb line) around the perimeter of the site are larger than standard interior boulevards. Along 15<sup>th</sup> Avenue SE, the interior boulevard is approximately 20 feet in width; along 14<sup>th</sup> Avenue SE, the interior boulevard is approximately 25 feet, 6 inches in width; and along 14<sup>th</sup> Avenue SE, the interior boulevard is approximately 22 feet, 6 inches in width. Given the uniqueness of the site, Staff concludes that practical difficulties existing in complying with the ordinance and allowing a reduction in the setback along this property line in order to establish a block face that incorporates desired amenities and enhances the public realm is a reasonable use of the subject site given the context and adopted City policies.

**Variance to reduce the front yard setback along the east property line adjacent to 15<sup>th</sup> Avenue SE from 30 feet to 12 feet, 1 inch for the building and to allow various yard encroachments:**

Typically, a 15-foot front yard setback would be required along the east property line adjacent to 15<sup>th</sup> Avenue SE; however, per Section 546.160(b) the property is subject to a front yard increase as the residential property on the abutting property to the north is setback approximately 30 feet. As proposed, the building wall along 15<sup>th</sup> Avenue SE is setback approximately 12 feet, 1 inch at the closest point from the property line and various encroachments are located within the required yard and require a variance as follows: (1) bicycle racks are not permitted obstructions in the front yard; (2) seating/benches are not permitted obstructions in the front yard; (3) trash receptacles are not permitted obstructions in the front yard; (4) several of the entrance landings exceed the allowable size of 36 square feet in area; and (5) upper level balconies are proposed that exceed 50 square feet in area and encroach more than 4 feet into the required yard. The property is unique as a result of having frontage on three public streets. Given the uniqueness of the site, Staff concludes that practical difficulties existing in complying with the ordinance and

allowing a reduction in the setback along this property line in order to establish a block face that incorporates desired amenities and enhances the public realm is a reasonable use of the subject site given the context and adopted City policies.

**Variance to reduce the corner side yard setback along the south property line adjacent to 7<sup>th</sup> Street SE from 15 feet to 5 feet, 4 inches for the building and to allow various yard encroachments:**

Typically, corner side yard requirements are calculated by using the equation  $8+2x$  where  $x$  is equal to the number of stories of above the first floor. In this circumstance with a proposed 6-story building the resulting setback would be 18 feet. According to Section 546.160 of the Zoning Code, where a corner side yard is required, it shall not exceed the applicable front yard requirement, which in this case is 15 feet. As proposed, the building wall along 7<sup>th</sup> Street SE is setback approximately 5 feet, 4 inches at the closest point from the property line and various encroachments are located within the required yard and require a variance as follows: (1) the ADA ramp exceeds the allowable encroachment parameters of 4 feet in width; and (2) upper level balconies are proposed that exceed 50 square feet in area and encroach more than 4 feet into the required yard. The property is unique as a result of having frontage on three public streets. Given the uniqueness of the site, Staff concludes that practical difficulties existing in complying with the ordinance and allowing a reduction in the setback along this property line in order to establish a block face that incorporates desired amenities and enhances the public realm is a reasonable use of the subject site given the context and adopted City policies.

**Variance to allow transformers and generators within the required north interior side yard:** A 15 foot setback is required along the north interior side yard. This is calculated by using the equation  $5+2x$  where  $x$  is equal to the number of stories above the first floor as well as per Section 535.250 where the minimum width of interior side yards for all multiple-family dwellings with side entrances must be not less than 15 feet. As proposed, the building wall is setback approximately 22 feet at the closest point from the north property line. Transformers and generators are permitted encroachments in interior side yards only when they do not exceed 4 feet in height and are adjacent to a residential use which is equipped with central air conditioning or which has no windows or doors in the wall immediately abutting the yard. The equipment is located approximately 10 feet from the property line and is expected to exceed the maximum height of 4 feet. This specific situation is unique in the fact that the transformers/generators would be located approximately 7 feet, 5 inches below grade. As a result of the equipment not being located at grade and the fact that a 10-foot separation also exists, Staff concludes that practical difficulties exist in complying with the ordinance and allowing a reduction in this specific circumstance should have no adverse impact on the abutting residential properties.

**Variance to increase the maximum lot coverage from 70% to 81.2%:** The maximum lot coverage for principal and accessory uses allowed in the R6 district is 70%. The applicant proposes to increase the maximum lot coverage to approximately 81.2%. The proposed structure on the premises is ring-shaped with two relatively large interior courtyard spaces totaling approximately 11,168 square feet in size that are separated by an interior club room. The courtyard space does not qualify as open space as the courtyard is located above the underground parking garage that is located on the subject property. Practical difficulties exist in complying with the ordinance as the site accommodates desired off-street parking, yet allows for desired outdoor open space for residents at the interior of the development.

**Variance to reduce the required number of off-street parking stalls from 321 to 174 spaces (.27 per bedroom):** Based on the location of the property in the UA Overlay District, one-half (1/2) parking space per bedroom but not less than one (1) space per dwelling unit is required for the development. According to the applicant, a total of 643 bedrooms in 202 dwelling units are proposed on the subject site. Therefore, a total of 321 off-street parking spaces would be required. Per section 541.200 of the Zoning Code, the minimum parking requirement for multi-family residential uses may be reduced ten (10)



percent if the proposed use is located within three hundred (300) feet of a transit stop with midday service headways of thirty (30) minutes or less in each direction. Metro Transit Route 3, which provides midday service at headways of 30 minutes or less, runs on 15th Avenue SE with north and southbound stops at 8th Street SE (less than 300 feet from the site). The project therefore qualifies for this reduction, so the parking requirement is 289 spaces. A total of 174 spaces are being provided on-site within a singular floor of an underground parking garage. Given the fact that the site will house students, is located across the street from the University of Minnesota campus and within close proximity to several Metro Transit bus routes, HOURCAR and bike sharing kiosks, Staff finds that ample parking is being provided for the development and practical difficulties exist in complying with the ordinance in this circumstance. In addition, analysis within the submitted TDMP indicates that while the proposed ratio is less than the .42 stall-per-bedroom average of similar residential developments in and around the University of Minnesota campus, the range is between .21 and .61. Thus, while the development as proposed is on the lower end, it is still within the range of parking that has been provided and previously approved in the general area. In addition, a total of 651 bicycle parking spaces are being provided on site. The applicant has also committed in the TDMP to donating either an HOURCAR or Zipcar to be placed at a location to be determined (potentially a neighborhood church). An additional HOURCAR or Zipcar may also be provided by the developer on-site for use by the residents.

**Variance to eliminate the off-street loading requirement:** There is a loading requirement for the development as multiple-family dwellings between 100 units and 250 units require one small loading space (10 x 25). The applicant is not proposing to include an off-street loading space on the premises. Practical difficulties exist in complying with the ordinance as the underground parking garage does not have the necessary height clearance to allow an internal loading space. Further any external compliant loading space would compromise the design of the site as adequate off-street loading and maneuvering areas would need to be accommodated on the premises. In addition, the population that is expected to live in the building would be primarily students due to the proximity of the site to the University of Minnesota, as a result, the loading space would be largely unused due to the fact that the building is residential and the fact that the majority of the residents would be moving in and out of the building on the same days in the fall and spring. The developer has indicated that they will attain proper permits from the Public Works Department to designate temporary on-street loading zones during these concentrated moving days.

**Variance to reduce the two-way drive-aisle requirement in the underground parking garage from 22 feet to 18 feet:** The applicant proposes to reduce an internal two-way drive-aisle requirement in the underground parking garage from 22 feet to 18 feet for a single drive-aisle in order to allow for a row of parallel parking stalls along the east wall of the parking garage. All other internal drive-aisles comply with the minimum requirement. Practical difficulties exist in complying with the ordinance as the reduction allows for the accommodation of 5 additional off-street parking spaces; thus maximizing the supply within the single underground parking floor.

**2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

**Variance to reduce the front yard setback along the west property line adjacent to 14<sup>th</sup> Avenue SE from 26 feet to 7 feet, 11 inches for the building and to allow various yard encroachments:** The proposal to reduce the setback from 15 feet to 7 feet, 11 inches for the building at the closest point and to allow various encroachments is reasonable given the context and would be keeping with the spirit and

intent of the ordinance, comprehensive plan and applicable small area plan policies that have been specifically developed for the area to enhance the built form and the public realm.

**Variance to reduce the front yard setback along the east property line adjacent to 15<sup>th</sup> Avenue SE from 30 feet to 12 feet, 1 inch for the building and to allow various yard encroachments:** The proposal to reduce the setback from 30 feet due to a front yard increase to 12 feet, 1 inch for the building at the closest point and to allow various encroachments is reasonable given the context and would be keeping with the spirit and intent of the ordinance, comprehensive plan and applicable small area plan policies that have been specifically developed for the area to enhance the built form and the public realm.

**Variance to reduce the corner side yard setback along the south property line adjacent to 7<sup>th</sup> Street SE from 15 feet to 5 feet, 4 inches for the building and to allow various yard encroachments:** The proposal to reduce the setback from 15 feet to 5 feet, 4 inches for the building at the closest point and to allow various encroachments is reasonable given the context and would be keeping with the spirit and intent of the ordinance, comprehensive plan and applicable small area plan policies that have been specifically developed for the area to enhance the built form and the public realm. The proposed building would be the only structure with frontage on this particular block of 7<sup>th</sup> Street SE.

**Variance to allow transformers and generators within the required north interior side yard:** The proposal to allow transformers and generators within the required north interior side yard is reasonable given the fact that the mechanical equipment would be located below grade. As a result of the equipment not being located at grade and the fact that a 10-foot separation also exists, the request is reasonable given the context and would be keeping with the spirit and intent of the ordinance, comprehensive plan and applicable small area plan policies.

**Variance to increase the maximum lot coverage from 70% to 81.2%:** The proposal to increase the maximum lot coverage for the development is reasonable and would be in keeping with the spirit and the intent of the ordinance and the comprehensive plan. As previously noted, the proposed development would be ring-shaped with a relatively large interior courtyard space totaling approximately 11,168 square feet in size. The courtyard space does not qualify as open space as the courtyard is located above the underground parking garage that is located on the subject property.

**Variance to reduce the required number of off-street parking stalls from 321 to 174 spaces (.27 per bedroom):** The proposal to reduce the required off-street parking for the residential development is reasonable and would be in keeping with the spirit and the intent of the ordinance and the comprehensive plan. The site is unique in its location and proximity to various land use features and alternative transportation options. Analysis within the submitted TDMP indicates that while the proposed ratio is less than the .42 stall-per-bedroom average of similar residential developments in and around the University of Minnesota campus, the range is between .21 and .61. Thus, while the development as proposed is on the lower end, it is still within the range of parking that has been provided and previously approved in the general area. In addition, a total of 651 bicycle parking spaces are being provided on site. The applicant has also committed in the TDMP to donating either an HOURCAR or Zipcar to be placed at a location to be determined (potentially a neighborhood church). An additional HOURCAR or Zipcar may also be provided by the developer on-site for use by the residents. The TDMP has been attached for reference and indicates additional transportation measures that the applicant is committing to as part of the TDMP.

**Variance to eliminate the off-street loading requirement:** The proposal to eliminate the required small off-street loading space for the development would be in keeping with the spirit and intent of the ordinance and comprehensive plan. As proposed the site cannot adequately accommodate an interior or

exterior loading space on site without compromising the design of the site. Further, with an anticipated student population, move-in and move-out dates will likely occur in masses on the same days in the fall and spring. The developer intends to attain proper permits from the Public Works Department to designate temporary on-street loading zones during these concentrated moving days.

**Variance to reduce the two-way drive-aisle requirement in the underground parking garage from 22 feet to 18 feet:** The proposal to reduce an internal two-way drive-aisle requirement would be in keeping with the spirit and intent of the ordinance and comprehensive plan. The reduction impacts a single drive-aisle affecting 5 off-street parking spaces within the underground parking garage. The only impact of this variance would be to the residents of the development; however, in order to ensure that the parking that is provided is usable and functional, Staff will recommend that the 5 affected parking spaces along the east wall of the parking garage be compact parking spaces.

**3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

**Variance to reduce the front yard setback along the west property line adjacent to 14<sup>th</sup> Avenue SE from 26 feet to 7 feet, 11 inches for the building and to allow various yard encroachments:** The granting of the variance to allow a reduction in the front yard setback along the west property line adjacent to 14<sup>th</sup> Avenue SE for the building wall and to allow various yard encroachments supported by adopted policy would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The adjacent dwelling located to the north of the development along 14<sup>th</sup> Avenue SE is setback approximately 26 feet. With the relatively large interior side yard setback provided that is provided which is approximately 24 feet, the impact of the front setback reduction is somewhat mitigated. Further, the public realm enhancements along 14<sup>th</sup> Avenue SE help to soften the edge of the building in this location.

**Variance to reduce the front yard setback along the east property line adjacent to 15<sup>th</sup> Avenue SE from 30 feet to 12 feet, 1 inch for the building and to allow various yard encroachments:** The granting of the variance to allow a reduction in the front yard setback along the west property line adjacent to 14<sup>th</sup> Avenue SE for the building wall and to allow various yard encroachments supported by adopted policy would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The adjacent dwelling located to the north of the development along 15<sup>th</sup> Avenue SE is setback approximately 30 feet. With the relatively large interior side yard setback that is provided which is approximately 24 feet, the impact of the front setback reduction is somewhat mitigated. Further, the public realm enhancements along 15<sup>th</sup> Avenue SE help to soften the edge of the building in this location.

**Variance to reduce the corner side yard setback along the south property line adjacent to 7<sup>th</sup> Street SE from 15 feet to 5 feet, 4 inches for the building and to allow various yard encroachments:** The granting of the variance to allow a reduction in the front yard setback along the west property line adjacent to 14<sup>th</sup> Avenue SE for the building wall and to allow various yard encroachments supported by adopted policy would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of

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the general public or of those utilizing the property or nearby properties. The proposed building would be the only structure with frontage on this particular block of 7th Street SE.

**Variance to allow transformers and generators within the required north interior side yard:** The granting of the variance to allow a reduction in the interior side yard setback requirement to allow transformers and generators would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The entire building wall complies with the required setback as approximately 24 feet separate the building wall from the property line. All other encroachments into the required yard (the mew pathway and walkway) meet the permitted obstruction requirements as outlined in Chapter 535 of the Zoning Code.

**Variance to increase the maximum lot coverage from 70% to 81.2%:** The granting of the variance to allow an increase in the maximum lot coverage would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal accommodates underground parking, a large residential structure, an interior courtyard space and stormwater management due to the size of the parcel.

**Variance to reduce the required number of off-street parking stalls from 321 to 174 spaces (.27 per bedroom):** The proposal to reduce the parking requirement for the residential development would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal is contextually appropriate given its location within a pedestrian and transit-oriented area.

**Variance to eliminate the off-street loading requirement:** The granting of the variance to eliminate the required small off-street loading space would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. Provided permits are obtained from Public Works, on-street loading on concentrated moving days should be more than adequate given the expected student population.

**Variance to reduce the two-way drive-aisle requirement in the underground parking garage from 22 feet to 18 feet:** The granting of the variance to reduce a single interior drive-aisle within the underground parking garage would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal is accommodating as much off-street parking as feasible within a singular parking floor located on the site. The only impact of this variance would be to the residents of the development.

## **SITE PLAN REVIEW**

### **Required Findings for Site Plan Review**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**

**B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

**Section A: Conformance with Chapter 530 of Zoning Code  
BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Entrances, windows, and active functions:
  - Residential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.
      - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
      - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.

- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

**Minimum window area shall be measured as indicated in section 531.20 of the zoning code.**

- **Ground floor active functions:**  
Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

The development is subject to required yards around the perimeter of the site including along all three street frontages and along the interior side yard. All yards are being varied with the development proposal. A total of 202 residential units with a total 643 bedrooms are proposed on the site. The residential lobby is oriented towards the intersection of 7<sup>th</sup> Street SE and 15<sup>th</sup> Avenue SE with a principal entrance located off of 15<sup>th</sup> Avenue SE. A secondary entrance is proposed off of 7<sup>th</sup> Street SE near the intersection of 7<sup>th</sup> Street SE and 14<sup>th</sup> Avenue SE. Further, walkups are located along all three street frontages. The design of the site maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation along all three street frontages. The area between the building and the public streets would have new tree plantings, shrubs, benches/seating, and other public realm enhancements.

The west elevation of the building along 14th Avenue SE incorporates windows that exceed the 20% window requirement as approximately 21.7% are provided according to the submitted elevations. The windows on this elevation are evenly distributed and vertical in proportion.

The east elevation of the building along 15th Avenue SE incorporates windows that meet the 20% window requirement as approximately 20% are provided according to the submitted elevations. The windows on this elevation are evenly distributed and vertical in proportion.

The west elevation of the building along 7<sup>th</sup> Street SE incorporates windows that exceed the 20% window requirement as approximately 21.5% are provided according to the submitted elevations. The windows on this elevation are evenly distributed and vertical in proportion.

Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The proposal is meeting the intent of this requirement by integrating active uses along all public street frontages. The proposed development exceeds the 10%

window requirement on each floor above the first floor that faces the public street and public sidewalk.

There are no blank, uninterrupted walls greater than 25 feet in length that do not include windows, entries, recesses or projections, or other architectural elements on the building.

The exterior materials would be compatible on all sides of the proposed building as the materials would be contemporary and include glass, masonry, brick, metal panels, metal siding and cement board panels. The proposed building form and flat roof would be considered compatible with other buildings in the area. Staff will require that the applicant provide material calculations for each elevation of the building. Cement board materials shall not exceed more than 30% coverage on any single elevation of the proposed building.

A single-level underground parking garage is proposed as part of the development that accommodates 174 off-street parking spaces. The parking is accessed off of 14<sup>th</sup> Avenue SE.

#### **ACCESS AND CIRCULATION:**

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

The principal entry to the lobby of the residential portion of the structure would be located off of 15<sup>th</sup> Avenue SE. A secondary entrance is located off of 7<sup>th</sup> Street SE and there are walkups to individual units located along all three street frontages. All entries are connected to the public sidewalk by walkways that are a minimum of 4 feet in width.

There are no transit shelters within the development, however the site is located across the street from the University of Minnesota campus and within close proximity to several Metro Transit bus routes, HOURCAR and bike sharing kiosks.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The number of curb cuts to the site has been minimized to the extent practical as a single curb cut would provide access to the site off of 14<sup>th</sup> Avenue SE.

There is no public alley adjacent to the site.

Much of the site is impervious, as the building footprint covers approximately 81.2% of the site. However, approximately 40% of the site not occupied by the building is landscaped and the applicant is proposing to landscape the large interior boulevards that surround the development as well as provide landscaping within the interior courtyard proposed on site. The area between the building and the public streets would have new tree plantings, shrubs, benches/seating, and other public realm enhancements.

## **LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
  - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

According to the applicant, once the project is complete, approximately 5,429 square feet or approximately 40% of the site not occupied by buildings will be landscaped on the premises (this does not include approximately 1,336 square feet of landscaping provided within the interior courtyard), which would exceed the 20% landscaping requirement. The site is approximately 72,563 square feet in size with the building occupying a footprint of 58,900 square feet. A total of 2,733 square feet of landscaping would be necessary to meet the 20% requirement.

The Zoning Code requires that there be at least 5 canopy trees and 27 shrubs planted on the site. The applicant proposes zero canopy trees, two coniferous trees, 16 ornamental trees and 186 shrubs around the perimeter of the site with an additional 4 canopy trees, 8 ornamental trees and 96 shrubs (in the public right-of-way, which does not count towards on-site quantities, the applicant proposes 9 canopy street trees, one coniferous tree, 5 ornamental trees and 87 shrubs). Alternative compliance is necessary for trees as 4 canopy trees are provided on site. Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to incorporate additional canopy trees in the landscaped yards around the perimeter of the site.

There are no surface parking spaces or loading facilities; therefore, the additional provisions in this section do not apply to the proposed development.



**ADDITIONAL STANDARDS:**

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
  - Natural surveillance and visibility
  - Lighting levels
  - Territorial reinforcement and space delineation
  - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

All parking for the proposed project is being provided in a below grade parking facility accessed off of 14<sup>th</sup> Avenue SE. The water drainage on site has been designed so as not to drain onto any adjacent lots. The applicant is incorporating on-site retention and filtration as a component of the required stormwater management plan for the site.

Staff would expect the proposal to have some impacts on views as the proposed structure, which is 6 stories, is taller than the existing development located on the premises which tops out at 2 to 2 ½ stories. The proposed structure would also have some shadowing impacts on adjacent properties to the north and west during most times of the year (although not required, see the attached shadow survey that was provided). The proposed structure would also be expected to have some minimal impacts on light, wind and air in relation to the surrounding area as well.

The site appears to incorporate the applicable CPTED principles. The active uses proposed within the ground level of the building provide natural surveillance, there are windows on all sides of the building that allow people to observe adjacent public spaces and the entrances are connected to the public sidewalk. Staff has no additional comments or concerns at this time regarding site safety. A detailed lighting plan will be required with the final plan submission.

There are no historic structures or structures eligible for designation on the subject site.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council**

**ZONING CODE** - The proposed use of the site for a multi-family development that includes 202 dwelling units is permitted in the R6 District. With the approval of the rezoning, variances and site plan review, this development would meet the requirements of the R6 District.

### **Parking and Loading:**

*Minimum automobile parking requirement:* Chapter 541 would typically require one off-street parking space per dwelling unit or a total of 202 parking spaces for the proposed residential project. However, the subject site is located within the UA Overlay District which requires one-half (1/2) parking space per bedroom but not less than one (1) space per dwelling unit. According to the applicant, a total of 643 bedrooms or 202 dwelling units are proposed on the subject site. Therefore, a total of 321 off-street parking spaces would be required. Per section 541.200 of the Zoning Code, the minimum parking requirement for multi-family residential uses may be reduced ten (10) percent if the proposed use is located within three hundred (300) feet of a transit stop with midday service headways of thirty (30) minutes or less in each direction. Metro Transit Route 3, which provides midday service at headways of 30 minutes or less, runs on 15th Avenue SE with north and southbound stops at 8th Street SE (less than 300 feet from the site). The project therefore qualifies for this reduction, so the parking requirement is 289 spaces. A total of 174 spaces are being provided on-site within a singular floor of an underground parking garage. The applicant has applied for a variance to reduce the parking requirement. See the above variance findings.

*Maximum automobile parking requirement:* This provision is not applicable for the development as there is no maximum parking requirement for residential uses with enclosed parking. The development is therefore in compliance with this provision.

*Bicycle parking requirement:* Typically, multiple-family dwellings with 5 or more units would have a minimum bicycle parking requirement of 1 space per 2 dwelling units. However, due to the location of the site within the UA Overlay District, residential uses are required to provide at least one (1) bicycle or motorized scooter parking space per one (1) bedroom. Based on the proposed 643 bedrooms, a total of 643 bicycle parking spaces are required. Further, not less than 90% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

- *“Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.”*

The applicant is in compliance with the requirement as a total of 586 bicycle parking spaces are located within the parking garage and 65 spaces are located on the exterior of the building. A total of 651 spaces are provided on site.

*Loading:* There is a loading requirement for the development as multiple-family dwellings between 100 units and 250 units require one small loading space (10 x 25). The applicant is proposing to vary this requirement. See the findings noted above.

**Dumpster screening:** Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A trash room is included within the interior of the proposed structure in the lower level parking garage. The TDMP

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notes that the “Refuse removal will be facilitated by full-time on-site maintenance personnel who will maneuver the refuse containers between the parking garage and the site driveway on 14th Avenue SE using the access ramp where the refuse containers will be delivered for pick-up. The extra roadway width on the segment of 14th Avenue SE adjacent to the site driveway, due to the prohibition of on-street parking on the east side of the street, provides additional space at this location to accommodate the refuse container and refuse truck operation.

**Signs:** No signage is proposed at this time. Any proposed future signage shall meet the requirements of the code. Separate permits are required from the Zoning Office for any future signage on site.

**Lighting:** A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapter 535. Staff shall review the details of the fixtures in the final review prior to permit issuance.

**Maximum Floor Area:** The maximum FAR for all structures in the R6 zoning district is the gross floor area of the building which is 261,105 square feet divided by the area of the lot which is 72,563 square feet. The outcome is approximately 3.6 which is greater than the base minimum of 3.0 permitted in the R6 District. However, the project qualifies for one 20% (.6) density bonus for enclosed parking that allows a FAR on the site of 3.6 or an FAR of approximately 251,226 square feet. The development is in compliance with the maximum FAR allowed on site.

**Minimum Lot Width and Lot Area:** The minimum lot area per dwelling unit in the R6 zoning district is 400 square feet. With 202 proposed dwelling units on a lot of 72,563 square feet, the applicant proposes 359 square feet of lot area per dwelling unit. The project is eligible for one 20% density bonus for enclosed parking, which allows 36 additional units. Therefore, a total of 217 dwelling units could be provided on site with the density bonus or approximately 334 square feet of lot area per dwelling unit. As previously noted, the applicant proposes 202 dwelling units or 359 square feet of lot area per dwelling unit which complies with the minimum requirement. Further, the lot width is greater than the minimum of 40 feet required in the R6 District.

**Dwelling Units per Acre:** With 202 dwelling units on a site having 72,563 square feet of lot area, the proposal would include approximately 122 dwelling units per acre.

**Height:** Maximum building height for principal structures located in the R6 zoning district is 6 stories or 84 feet, whichever is less. The height of the proposed building is 6 stories or 80 feet which complies with the maximum height allowance.

**Yard Requirements:** The required yards are as follows:

*Front – along 14<sup>th</sup> Avenue SE:* 26 feet – due to a front yard increase per Section 546.160(b)

*Front – along 15<sup>th</sup> Avenue SE:* 30 feet – due to a front yard increase per Section 546.160(b)

*Corner side yard setback -along 7<sup>th</sup> Street SE (8+2x):* 15 feet per Section 546.160(c)

*Interior side yard/rear (5+2x):* 15 feet

The proposal requires variances of all required yards. See the variance section of the staff report as noted above.

**Building coverage:** The maximum building coverage in the R6 District is 70 percent. The building would cover approximately 81.2 percent of the site. A variance is required. See the variance section of the staff report as noted below.

**Impervious surface area:** The maximum impervious surface coverage in the R6 District is 85 percent. Impervious surfaces would cover approximately 83 percent of the site.

### **MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH**

See the above listed response to finding #1 in the rezoning application as the policies and implementation steps identified in the *Minneapolis Plan for Sustainable Growth* apply to the site plan review application as well.

### **Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

See the above listed response to finding #1 in the rezoning application as the policies and implementation steps identified in the *15<sup>th</sup> Avenue SE Urban Design Plan* apply to the site plan review application as well.

### **ALTERNATIVE COMPLIANCE**

**The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:**

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is requested by the applicant to meet the following standard:

□ **Landscape quantities:** The Zoning Code requires that there be at least 5 canopy trees and 27 shrubs planted on the site. The applicant proposes zero canopy trees, two coniferous trees, 16 ornamental trees and 186 shrubs around the perimeter of the site with an additional 4 canopy trees, 8 ornamental trees and 96 shrubs (in the public right-of-way, which does not count towards on-site quantities, the applicant proposes 9 canopy street trees, one coniferous tree, 5 ornamental trees and 87 shrubs). Alternative compliance is necessary for trees as 4 canopy trees are provided on site. Staff would recommend that the Planning Commission require compliance with this provision as it would be practical to incorporate additional canopy trees in the landscaped yards around the perimeter of the site.

## **RECOMMENDATIONS:**

### **Recommendation of the Department of Community Planning and Economic Development for the rezoning:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classifications of the properties located at 700, 702, 704, 706, 710, 712, and 714 14<sup>th</sup> Avenue SE, 1409, 1411, 1413, 1415, 1417, and 1419 7<sup>th</sup> Street SE, 701, 709, 715, and 717 15<sup>th</sup> Avenue SE from the R5 District to the R6 District. The UA (University Area) Overlay District will be maintained.

### **Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the front yard setback along the west property line adjacent to 14<sup>th</sup> Avenue SE from 26 feet to 7 feet, 11 inches for the building and to allow various yard encroachments for the properties located at 700, 702, 704, 706, 710, 712, and 714 14<sup>th</sup> Avenue SE, 1409, 1411, 1413, 1415, 1417, and 1419 7<sup>th</sup> Street SE, 701, 709, 715, and 717 15<sup>th</sup> Avenue SE subject to the following condition of approval:

1. The setback reductions delineated on the final plans shall match the submitted plans.

### **Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the front yard setback along the east property line adjacent to 15<sup>th</sup> Avenue SE from 30 feet to 12 feet, 1 inch for the building and to allow various yard encroachments for the properties located at 700, 702, 704, 706, 710, 712, and 714 14<sup>th</sup> Avenue SE, 1409, 1411, 1413, 1415, 1417, and 1419 7<sup>th</sup> Street SE, 701, 709, 715, and 717 15<sup>th</sup> Avenue SE subject to the following condition of approval:

1. The setback reductions delineated on the final plans shall match the submitted plans.

### **Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the corner side yard setback along the south property line adjacent to 7<sup>th</sup> Street SE from 15 feet to 5 feet, 4 inches for the building and to allow various yard encroachments for the properties located at 700, 702, 704, 706, 710, 712, and 714 14<sup>th</sup> Avenue SE, 1409, 1411, 1413, 1415, 1417, and 1419 7<sup>th</sup> Street SE, 701, 709, 715, and 717 15<sup>th</sup> Avenue SE subject to the following condition of approval:

1. The setback reductions delineated on the final plans shall match the submitted plans.

**Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow transformers and generators within the required north interior side yard for the properties located at 700, 702, 704, 706, 710, 712, and 714 14<sup>th</sup> Avenue SE, 1409, 1411, 1413, 1415, 1417, and 1419 7<sup>th</sup> Street SE, 701, 709, 715, and 717 15<sup>th</sup> Avenue SE.

**Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum lot coverage from 70% to 81.2% for the properties located at 700, 702, 704, 706, 710, 712, and 714 14<sup>th</sup> Avenue SE, 1409, 1411, 1413, 1415, 1417, and 1419 7<sup>th</sup> Street SE, 701, 709, 715, and 717 15<sup>th</sup> Avenue SE.

**Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required number of off-street parking stalls from 321 to 174 spaces (.27 per bedroom) for the properties located at 700, 702, 704, 706, 710, 712, and 714 14<sup>th</sup> Avenue SE, 1409, 1411, 1413, 1415, 1417, and 1419 7<sup>th</sup> Street SE, 701, 709, 715, and 717 15<sup>th</sup> Avenue SE subject to the following condition of approval:

1. The required number of off-street parking stalls shall not be reduced below a ratio of .27 per bedroom.

**Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to eliminate the off-street loading requirement for the properties located at 700, 702, 704, 706, 710, 712, and 714 14<sup>th</sup> Avenue SE, 1409, 1411, 1413, 1415, 1417, and 1419 7<sup>th</sup> Street SE, 701, 709, 715, and 717 15<sup>th</sup> Avenue SE.

**Recommendation of the Department of Community Planning and Economic Development for the variance:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to eliminate the two-way drive-aisle requirement in the underground parking garage from 22 feet to 18 feet for the properties located at 700, 702, 704, 706, 710, 712, and 714 14<sup>th</sup> Avenue SE, 1409, 1411, 1413, 1415, 1417, and 1419 7<sup>th</sup> Street SE, 701, 709, 715, and 717 15<sup>th</sup> Avenue SE subject to the following condition of approval:

1. The 5 off-street parking spaces affected by the reduced width shall be designated as compact parking spaces.

**Recommendation of the Department of Community Planning and Economic Development for the site plan review:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission **approve** the site plan review application for the construction of a new 6-story residential development that includes 202 residential dwelling units with 643 bedrooms and 174 below grade parking spaces (ratio of .27 per bedroom) on the properties located at 700, 702, 704, 706, 710, 712, and 714 14<sup>th</sup> Avenue SE, 1409, 1411, 1413, 1415, 1417, and 1419 7<sup>th</sup> Street SE, 701, 709, 715, and 717 15<sup>th</sup> Avenue SE subject to the following conditions:

1. All site improvements shall be completed by August 2, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. CPED Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
3. The final elevations shall include the applicable material calculations for each elevation of the building. Cement board materials shall not exceed more than 30% coverage on any single elevation of the proposed building.
4. A detailed landscape plan shall be provided with the final submittal that details all specific plantings that are located on the subject property and those that are located in the public right-of-way. The final plan shall be substantially similar to the plan approved by the Planning Commission.
5. Compliance with the landscape quantity requirements, including canopy trees, per Section 530.160 of the Zoning Code.
6. A total of 643 bicycle parking spaces shall be provided on the premises; 90% of which meet the long-term bicycle parking standards as outlined in Section 541.180 of the Zoning Code.

**Attachments:**

1. Rezoning Matrix – R5 and R6
2. Summary of project modifications
3. Statement of use / description of the project
4. Findings –Variances
5. Correspondence
6. Zoning map
7. Plans – Site, landscape, elevations, floor plans
8. Photos
9. PDR Report
10. TDMP

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**Legal Description**

Unit numbers 700, 702, 704, 706, 710, 712, 1409, 1411, 1413, 1415, 1417 and 1419, Condominium No. 652, Rollins Court Condominium, a Condominium located in the County of Hennepin, Minnesota.

All Torrens property.

Certificate of Title No. 1301469 [Unit 700]  
Certificate of Title No. 1363039 [Unit 702]  
Certificate of Title No. 1350243 [Unit 704]  
Certificate of Title No. 1184011 [Unit 706]  
Certificate of Title No. 820407 [Unit 710]  
Certificate of Title No. 1052646 [Unit 712]  
Certificate of Title No. 1043518 [Unit 1409]  
Certificate of Title No. 1211605 [Unit 1411]  
Certificate of Title No. 1362392 [Unit 1413]  
Certificate of Title No. 1362876 [Unit 1415]  
Certificate of Title No. 756378 [Unit 1417]  
Certificate of Title No. 1364135 [Unit 1419]

AND

Lot 9, except the Northeasterly 48 feet front and rear thereof; Lot 10, Block 7, "University Addition to Minneapolis".

Together with a perpetual right and easement in and to the rear or Westerly 10 feet of Lot 8 in said Block 7, for use as a driveway and for ingress and egress to Lots 8, 9 and 10, in said Block 7, it being understood that this easement shall inure to the benefit of the legal owners of said Lots 8, 9 and 10, as shown in deed Doc No. 191618. (Torrens Property, Certificate of Title No. 1061209)

AND

The Southwesterly 26 feet of the Northeasterly 48 feet, front and rear of Lot 9, Block 7, University Addition to Minneapolis. (Torrens Property, Certificate of Title No. 1074279)

AND

The Northeasterly 22 feet front and rear of Lot 9, Block 7, "University Addition to Minneapolis".

Together with a perpetual right in and to the rear or Westerly 10 feet of Lot 8 in said Block 7, for use as a driveway and for ingress and egress of Lots 8, 9 and 10 in said Block 7. It being understood that this easement shall inure to the benefit of the legal owners of said Lots 8, 9 and 10, as shown in deed Doc No. 191618. (Torrens Property, Certificate of Title No. 1079398)

AND:

The Southwesterly 48 feet of the Southeasterly 80.5 feet of Lot 12, Block 7, "University Addition to Minneapolis". (Torrens Property, Certificate of Title No. 1055267)



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AND

Lot Three (3), Block Seven (7), University Addition to Minneapolis, according to the map or plat thereof on file and of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.  
(Abstract property)

AND

Easement for right-of-way and driveway purposes as set forth in the Deed, dated November 8th, 1889, recorded November 9, 1889, in Book 294 of Deeds, Page 125, in the Office of the Hennepin County Recorder.